IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16587 of 2007

DATED: 31.8.2007

Between:

Syed Siddiq Ullaha petitioner

And

The A.P. State Housing Corporation ltd
Rep by its Managing Director, Urdu Lane,
Himayatnagar, Hyderabad & another Respondents

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THE HON'BLE MR JUSTICE N.V. RAMANA

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ORAL ORDER:

This writ petition is filed questioning the action of the respondents in continuing the petitioner under suspension vide proceedings in RC No. E1/1675/2005 dated 23.12.2005 as illegal and arbitrary.

The petitioner is employed in first respondent corporation as Work Inspector (Technical). He was placed under suspension by orders dated 23.12.2005 on the ground that he has released 689 bags of cement to the beneficiaries without signature and approval of the Assistant Engineer, and issued 70 bags of cement by accepting bribe of Rs.1000/- from one Mr Adeppa, beneficiary under weavers quota. The petitioner submitted his explanation denying the charges leveled against him. Having not satisfied with the explanation, offered by the petitioner, an enquiry was ordered and vide proceedings dated 15.12.2006 the Executive Engineer, P.R division, Kamareddy was appointed as Enquiry Officer. The petitioner alleges that though the Presiding Officer and Enquiry Officer were appointed, the enquiry is being postponed from time to time and till date no witness was examined and prolonged suspension is illegal. It is also alleged that similarly situated persons viz., Mr M Srinivas, Work Inspector of Tadwai Mandal and Mr Srikantha, Work Inspector of Nagireddipet mandal were reinstated and till date no orders were passed revoking the suspension of the petitioner.

A counter affidavit is filed by second respondent denying the allegations made in the writ affidavit and stating that the enquiry into the charges alleged against the petitioner is in progress and petitioner cannot compare his case with the other officials who were reinstated

into service, inasmuch as their suspension was on different issue.

Learned counsel for petitioner submitted that the petitioner has no power or authority to issue or distribute cement and for the irregularities committed by his predecessor, he was kept under suspension. It is also submitted that though enquiry officer was appointed as long as on 15.12.2006, no witness was examined till date and there is no reason to continue the petitioner under suspension. Learned counsel for petitioner produced a letter dated 21.4.2007 issued by the Managing Director directing the District Collectors to reinstate the suspended employees in view of the heavy workload.

Heard the learned counsel for petitioner and learned Standing counsel for first respondent corporation. Though sufficient time is granted standing counsel could not obtain instructions in the matter. However, both counsel agreed for disposal of the writ petition at the stage of admission.

Since the enquiry officer was already appointed by order dated 17.7.2006 and enquiry proceedings are pending, without expressing any opinion on the merits of the matter, I deem it appropriate to dispose of the writ petition directing the respondents to expedite the enquiry proceedings and complete the same within a period of two months from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 31.8.2007
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